

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 10 and 11. This sheet, which includes Fig. 10 and 11, replaces the original sheet including Fig. 10 and 11. In Figs. 10 and 11 the legend "conventional art" has been added.

Attachment: Replacement sheet

REMARKS

Claims 1-5 are currently pending, wherein claim 5 has been amended. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 3 of the Office action ("Action"), the Examiner objects to the drawings, because Figs. 10 and 11 should be designated as prior art. Applicants hereby amend Figs. 10 and 11, thereby addressing the Examiner's concerns.

In paragraph 4 of the Action, the Examiner objects to the Specification because it allegedly fails to indicate that the present application is a national stage application of International Application No. PCT/JP2005/001783. Applicants hereby amend the Specification thereby addressing the Examiner's concerns.

In paragraph 5 of the Action, the Examiner objects to claim 5 because the numeral 4 at the beginning of the last line of claim 5 should be deleted. Although, Applicants note that the numeral 4 was deleted in the preliminary amendment filed on August 4, 2006, due to the strikethrough being unclear Applicants hereby amend claim 5 to remove the numeral 4.

In paragraph 8 of the Action, the Examiner rejects claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art described on pages 1-3 of the Specification in view of U.S. Patent No. 5,601,633 to Ponizovsky et al. ("Ponizovsky"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and

every claimed element. In the present case, claims 1-5 are patentable over the combination of the admitted prior art and Ponizovsky because the combination fails to disclose or suggest applying a cyclically varying voltage to both a discharge and counter electrode wherein the frequency of the varying voltage is greater than the frequency of the streamer discharge generated in the form of a pulse between the electrodes.

In rejecting claims 1-5, the Examiner asserts that Ponizovsky teaches carefully regulating frequency levels in an purification device for the purpose of ensuring proper streamer discharge pulses. Applicants respectfully disagree. Although Ponizovsky discloses an electrical method for removing ecologically noxious substances from gases using streamer corona discharge, nowhere in Ponizovsky is there any discussion of regulating the frequency of a varying voltage. To the contrary, Ponizovsky discloses rectifying the voltage output of alternating current line voltage to varying the amplitude and steepness of the applied voltage. Nowhere in Ponizovsky is there any disclosure or suggestion of alternating the frequency of the alternating current line voltage, much less ensuring the frequency of the varying voltage is greater than the frequency of the streamer discharge generated in the form of a pulse between the electrodes as claimed.

Since the admitted prior art and Ponizovsky both fail to disclose or suggest applying a cyclically varying voltage to both a discharge and counter electrode wherein the frequency of the varying voltage is greater than the frequency of the streamer discharge generated in the form of a pulse between the electrodes as claimed, the combination of these two references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine the admitted prior art and Ponizovsky, the combination would still fail to render claims

1-5 unpatentable because the combination fails to disclose each and every claimed element.

Reconsideration and withdrawal of the rejection of claims 1-5 is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachments